

### REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants note that the previous indication of allowable subject matter has apparently been withdrawn and note the newly cited reference to Nakatani et al.

### Claim amendments/Status

In accordance with the indication that claims 9 -10 and 11, would be allowable if amended in a manner to overcome the objections raised and/or amended to overcome the rejections and assume independent form via the inclusion of the all of the limitations of the base claims and any intervening claims: claim 1 has been amended via the inclusion of claims 7 and 9; claim 10 has been amended via the inclusion of claims 1 and 7; and claim 11 has been amended to obviate the shortcomings noted in connection therewith.

The subject matter of claim 7 has been clarified via the removal of the term "prior" and by reciting this subject matter as the first step of the independent claims 1 and 10. Dependent claim 2 remains dependent on claim 11, and therefore is allowable in the manner indicated on page 9 of this Office Action.

Further, dependent claim 3 has been amended to depend from claim 2; claims 4-6 remain dependent on claim 1 in amended (allowable) form; claim 7 is cancelled; claim 8 has been amended to depend on allowable claim 1; claim 9 is cancelled; claim 12 has been amended to depend on allowable claim 1, and independent claim 13 has been cancelled. These amendments are such as to ensure that the maximum number of dependent claims remain in the application under the protective umbrella of two independent claims amended to include subject matter indicated as being allowable.

These amendments are also such as to overcome the rejection under 35 USC § 112, second paragraph; and render moot the rejections under 35 USC § 103(a).

### Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
**LOWE HAUPTMAN HAM & BERNER, LLP**

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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